

11-04-02

RCE/2800

PATENT  
APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: PATENT APPLICATION of:

Inventor(s): David W. Carlson

Appln. No.: 09/ 678,414

Group Art Unit 2823

Examiner: B. Kebede

Atty. Dkt. 100-13601

No.

P04797-C1

Client Ref

#13/RCE  
11/8/02

Series Code ↑

Serial No. ↑

Filed: October 2, 2000

Title: Method For Planarizing a Thin Film

Box RCE  
Commissioner for Patent  
Washington, DC 20231

Sir:



R C E

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OF PATENTS

Date: November 1, 2002

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REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

Please continue the examination of this application.

**PREREQUISITES**

This application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.

An issue fee has not been paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).

**Prosecution has been closed as defined in Rule 114(b).**

**Reply to any outstanding action and Rule 17(e) filing fee must be enclosed**

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please  enter  do not enter the Amendment filed \_\_\_\_\_
2.  The enclosed Amendment.
3.  Consider the arguments in the appeal brief filed \_\_\_\_ and reply brief filed \_\_\_\_\_
4.  The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5.  The enclosed Information Disclosure Statement.
6.  The Enclosed Non-Publish Request.
7.  Please suspend action under Rule 103(c) for a period of \_\_\_\_ months (3 mos. Max) for which the required \$130 fee is enclosed
8.  A check in the amount of \$740.00 is enclosed of which \$740 is the required RCE filing fee. (Postcard, fee transmittal (with copy) are also attached.)

(Our Deposit Account No. 502305)

(Atty. Dkt No.) 100-13601 ((P04797-C1))

Express Mail No. EV140162004US

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order No. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Correspondence Address Below Law Offices of Mark C. Pickering

P.O. Box 300  
Petaluma, CA 94953-0300  
(707) 762-5500  
Customer No. 33402

By Atty: Mark C. Pickering  
Sig: Mark C. Pickering  
Date: November 1, 2002

Reg. No. 36,239  
Fax: (707) 762-5504  
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11/05/2002 AMONDAF1 00000134 09678414

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740.00 0P

# FEE TRANSMITTAL

**For FY 2002**

*Patent Fees are subject to annual revision.*

Express Mail No. EV140162004US

**TOTAL AMOUNT OF PAYMENT**

\$740

*Complete if Known*

Application Number **RCE of 09/678,414**

Filing Date **October 2, 2000**

First Named Inventor **David W. Carlson**

Examiner Name **B. Kebede**

Group Art Unit **2823**

Attorney Document No. **100-13601 (P04797-C1)**

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  
**502305**

**LAW OFFICES OF MARK C. PICKERING**

- Charge any additional fees required under 37 CFR §§1.16 and 1.17.  
 Applicant claims small entity status. See 37 CFR 1.27.

2.  Payment Enclosed:

- Check  Money Order  Other

## FEE CALCULATION

### 1. BASIC FILING FEE

LARGE ENTITY		SMALL ENTITY		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility	0
106	330	206	165	Design	
107	510	207	255	Plant	
108	740	208	370	Reissue	
114	150	214	80	Provisional	
<b>SUBTOTAL (1)</b>		<b>0</b>			

### 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	17 - 20 ** = 0	x 18	= \$ 0
Independent	2 - 3 = 0	x 84	= \$ 0
Multiple Dep.	*		= \$ 0

\*\* or number previously paid, if greater; for Reissues, see below:

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claim in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue ind. claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>		<b>\$0</b>			

## SUBMITTED BY

Law Offices of Mark C. Pickering

P.O. Box 300

Petaluma, CA 94953-0300

Telephone: (707) 762-5583

Faximile: (707) 762-5504

Customer No. 33402

Date: 11-1-02

By: Mark C. Pickering  
Mark C. Pickering, Reg. No. 36,239

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PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)  
(Express Mail No. EV140162004US)**

First Named Inventor David W. Carlson

Title Method For Planarizing a Thin Film

Atty Docket Number 100-13601(P04797-C1)

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11-1-02

Date

*David W. Carlson*  
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Signature

Mark C. Pickering  
Reg. No. 36,239

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

*Not Necessary*  
*Sincs*